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PTO/SB/21 (04-04)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/607,010
	Filing Date	June 26, 2003
	First Named Inventor	Ed AUSTIN, et al.
	Art Unit	3732
	Examiner Name	BAXTER, Jessica R.
Total Number of Pages in This Submission	Attorney Docket Number	39262/285776

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>5 sheets of PTO/SB/08A</b> <b>126 references</b>
<div>Remarks</div>		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Geoffrey K. Gavin, Reg. No. 47,591 Kilpatrick Stockton LLP
Signature	
Date	July 19, 2004

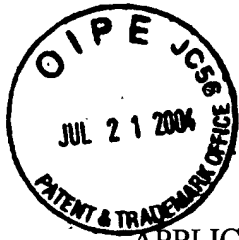
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Ed AUSTIN, et al.

SERIAL NO.: 10/607,010

Group Art Unit: 3732

FILED: June 26, 2003

EXAMINER: Baxter, Jessica R.

FOR: EXTERNAL FIXATION APPARATUS AND METHOD

ATTORNEY DOCKET NO.: 39262/285776

DATE: July 19, 2004

MAIL STOP AMENDMENT

Commissioner for Patents

P. O. Box 1450

Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the modified Form PTO-1449 are cited for consideration by the Examiner.

Submission of the references provided in this Information Disclosure Statement is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

INFORMATION DISCLOSURE STATEMENT

U.S. Serial No. 10/607,010

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No fee is believed to be due in connection with this submission, however, if a fee is due, the Commissioner is authorized to charge such fee and any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,

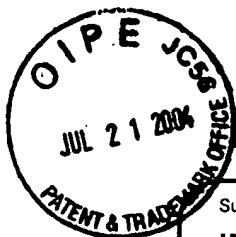


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The PTO did not receive the following  
listed Item(s) reference marked as "X"  
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 1 of 5

**Complete if Known**

Application Number	10/607,010
April 16, 2003	June 26, 2003
First Named Inventor	Ed AUSTIN
Group Art Unit	3732
Examiner Name	Baxter, Jessica R.
Attorney Docket Number	39262/285776

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		2003/0149430 A1	08/07/2003	Ferrante, et al.	
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Sheet 2 of 5

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		4,998,935	03/12/1991	Pennig	
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Sheet 3 of 5

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Attorney Docket Number	39262/285776

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		Number - Kind Code <sup>2</sup> (if known)			
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Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
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		EP 1 021 992 A1	07/26/2000	Europe		

\*Corresponding U.S. application issued as U.S. Patent No. 5,752,954

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Attorney Docket Number	39262/285776

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		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		SU 1491-492-A1	08/25/1986	U.S.S.R.		
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**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"Epiphyseal Distraction Hemichondrodiastasis," by Roberto Aldegheri, et al., <i>Clinical Orthopaedics and Related Research</i> , Number 241, pp. 128-136, April 1989	
		"Use of an Articulated External Fixator for Fractures of the Tibial Plafond," <i>The Journal of Bone and Joint Surgery</i> , pp. 1498-1509, 1995	
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		International Search Report in related Application No. PCT/US03/02712	
		International Search Report in related Application No. PCT/US03/18067	
		ORTHOFIX Brochure entitled "Ankle Fusion Technique," one page, undated	

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Sheet	5		5
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## OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

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